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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

## KATMAI WATER TAXI, LLC,

## IN ADMIRALTY

V.

NO. 3:21-cv-00110-SLG

NW BEND BOATS, LLC d/b/a  
NORTH RIVER BOATS,

Defendant.

TRAVELERS PROPERTY CASUALTY  
COMPANY OF AMERICA,

**Plaintiff in Intervention,**

V.

NW BEND BOATS, LLC d/b/a  
NORTH RIVER BOATS,

Defendant.

ATTORNEYS AT LAW 20

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**ANSWER TO AMENDED COMPLAINT**

2 COMES NOW defendant NW Bend Boats LLC d/b/a North River Boats (“North  
3 River”) and by way of Answer to plaintiff Katmai Water Taxi, LLC amended complaint  
4 states and alleges as follows:

## THE PARTIES

26|| 1. Admits.

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1 trial and requires no answer.

12. Admits.

3       13. North River admits vessel captain and Katmai Water Taxi employee Rob  
4 Ellis ran the vessel OTIS aground during sea trials in Alaska. Except as specifically  
5 admitted, the allegation is denied.

## THE ACCIDENT

7      14.      Admits.

8        15.     North River admits Mr. Blocher did not have a U.S. Coast Guard license,  
9 as one was not required under the circumstances and multiple licensed personnel in  
10 plaintiff's employ were aboard. Except as specifically admitted, the allegation is denied.

16. North River admits the GPS system was not pre-programmed with safe  
passage routes and that safe passage would need to be plotted manually by running the  
route. Admits the GPS system constitutes an important vessel component. Admits  
plaintiff's agents guided the vessel's travel through a portion of the route. Except as  
specifically admitted, the allegation is denied.

16        17. North River admits the OTIS returned to shore on or about May 31, 2019  
17 on account of elevated cabin pressure caused by closed dampers following the inspection  
18 of the fire suppression system. Except as specifically admitted, the allegation is denied.

18. North River admits the vessel was relaunched in the Naknek River on or  
about the date and time identified intending to travel the channel identified for the purpose  
of U.S. Coast Guard inspection for approval to carry more-than 6 passengers. Except as  
specifically admitted, the allegation is denied.

### 19. Denies.

24 20. North River admits the GPS coordinates were not visible at the time on  
25 account of the backlight. North River specifically denies Blocher was “travelling blind,”  
26 as the vessel was under the command of a local captain with local knowledge. Except as

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1 specifically admitted, the allegation is denied.

2       21. The allegation is an issue of law for the Court to decide. To the extent an  
3 answer is required, North River denies the allegation.

4 22. North River admits the vessel captain Rob Ellis took the helm of the vessel  
5 while Mr. Blocher adjusted the GPS backlighting and further admits Ellis negligently  
6 grounded the vessel. Except as specifically admitted, the allegation is denied.

7       23. North River specifically denies allegations of negligence. The remainder is  
8 denied for lack of sufficient information and knowledge.

### **FIRST CAUSE OF ACTION—NEGLIGENCE**

10|| 24. North River incorporates and re-alleges its previous answer.

11|| 25. Denies, including all subparts.

12|| 26. Denies.

13|| 27. Denies.

## **SECOND CAUSE OF ACTION—NEGLIGENCE ENTRUSTMENT**

15|| 28. North River incorporates and re-alleges its previous answer.

16|| 29. Denies.

### **THIRD CAUSE OF ACTION—BREACH OF CONTRACT**

18|| 30. North River incorporates and re-alleges its previous answer.

19|| 31. Denies.

20 32. Denies.

21|| 33. Denies.

## DAMAGES

34. North River incorporates and re-alleges its previous answer.

24|| 35. Denies.

25|| 36. Denies.

26|| 37. Denies.

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### 38. Denies.

### 39. Denies.

40. Denies.

41. Denies.

42. Denies.

### 43. Denies.

## JURY DEMAND

44. Denies.

## AFFIRMATIVE DEFENSES

In further answer to plaintiff's complaint, defendant North River Boats pleads as affirmative defenses:

1. North River re-alleges its previous answer as an affirmative defense.

2. Plaintiff fails in one or more of its causes of action to state a claim upon

which relief may be granted.

5       3. Plaintiff's damages, herein denied, were caused or contributed by its own  
6 fault or the fault of its agents or employees; plaintiff's recovery, if any, should be barred  
7 or reduced accordingly.

8       4. Plaintiff's damages, herein denied, were caused or contributed by the fault  
9 of others; plaintiff's recovery, if any, should be barred or reduced accordingly.

5. Plaintiff has and had a duty to mitigate its damages; to the extent it has failed to do so, its recovery should be barred or reduced accordingly.

6. Plaintiff's tort claims are barred by the economic loss rule.

7. Plaintiff's claims for consequential and incidental damages are barred by  
statute of limitations and are hereby rejected.

8. One or more of plaintiff's claims are barred by the doctrine of laches.

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Wherefore, defendant North River prays:

- 2       1. That plaintiff's complaint be dismissed and it take nothing thereby.

3       2. That North River be awarded its costs and attorney fees under Alaska Rule

4 of Civil Procedure 82.

5       3. That North River be entitled to such other relief as this Court finds just and

6 equitable.

Dated this 1<sup>st</sup> day of December, 2021.

## BAUER MOYNIHAN & JOHNSON LLP

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/s/ Robert D. Sykes  
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